

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, Council Member District No. 1

A meeting of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, was held on **Monday August 10, 2009**, in the Assembly Room of the Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina, at 6:11 p.m.

PRESENT: Chairman Phillip Farley, Council District No. 1; Committee Member Timothy J. Callanan, Council District No. 2; Committee Member Robert O. Call, Jr., Council District No. 3; Committee Member Cathy S. Davis, Council District No. 4; Committee Member Jack H. Schurlknight, Council District No. 6; Committee Member Caldwell Pinckney, Jr., Council District No. 7; Committee Member Steve C. Davis, Council District No. 8; County Supervisor Daniel W. Davis, ex officio; Mr. Joshua Gruber, Assistant County Attorney; and Ms. Barbara B. Austin, Clerk of County Council. Committee Member Dennis L. Fish, Council District No. 5 was excused from this meeting.

In accordance with the Freedom of Information Act, the electronic and print media were duly notified.

During periods of discussion and/or presentations, minutes are typically condensed and paraphrased.

Chairman Farley called the meeting to order and asked for approval of minutes for the Land Use meeting held on July 13, 2009.

It was moved by Committee Member Callanan and seconded by Committee Member C. Davis to **approve** the minutes as presented. The motion passed by unanimous voice vote of the Committee.

A. Consideration prior to First Reading of the following:

1. Request by David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.52+/- acres), from R1, Single Family Residential District to OI, Office and Institutional District. Council District No. 8.

[Staff recommended denial]

[Planning Commission recommended denial]

Mr. Eric Greenway, Zoning Administrator, stated this property is not located in District 8, but in District 5. The property is located at the entrance of Tall Pines subdivision on Treeland Drive. There is an existing non-residential building and was constructed as a development office when Tall Pines was originally established. Mr. Wenger purchased the property and had a private school in the building. The school has closed and the applicant wishes to rezone the property to OI, Office and Institutional. The building would be utilized as a real estate office and

a counseling office. The building is no longer grandfathered because the non-conforming use was changed to a complying use and it cannot be reverted to the previous uses. The Planning staff does not support the rezoning because it would be spot zoning. There is some existing vacant land on the road that would accommodate the intended use. The road at the entrance to Tall Pines has a median and it would restrict all of the traffic turns out of the property. There were many Tall Pines residents that opposed the rezoning at the Planning Commission meeting. The Planning Commission recommended denial of the rezoning application.

Committee Member C. Davis agreed that the request would be spot zoning. The property is surrounded by R-2 properties and recommended denial.

It was moved by Committee Member C. Davis and seconded by Committee Member Callanan to **deny** prior to **First Reading**, the **Request by David and Joanne Wenger**. The motion passed by unanimous voice vote of the Committee.

B. Review prior to Second Reading:

1. Bill No. 09-33, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Forsberg Engineering** for GSR Jedburg LLC, located at the intersection of Jedburg Road & Drop Off Drive, Summerville, **TMS #207-00-01-090** (31.44 acres), **from LI, Light Industrial District to PDRC, Planned Development Regional Commercial District**. Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to **Second Reading, Bill No. 09-33**. The motion passed by unanimous voice vote of the Committee.

2. Bill No. 09-34, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Henrietta Acton**, 2087 Highway 45, Pineville, portion of **TMS #015-00-03-022** (3.3 acres) **from RNC, Rural and Neighborhood Commercial District to F-1, Agricultural District**. Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member Callanan to **approve** prior to **Second Reading, Bill No. 09-34**. The motion passed by unanimous voice vote of the Committee.

3. Bill No. 09-35, an ordinance to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bonnie Jean & Jonathan Craven**, 209 Eden Lane, Moncks Corner, **TMS #141-00-02-010** (12.05 acres) **from PDMU, Planned Development Mixed Use District to F-1, Agricultural District**. Council District No. 6.

It was moved by Committee Member Schurlknight and seconded by Committee Member Pinckney to **approve** prior to **Second Reading, Bill No. 09-35**. The motion passed by unanimous voice vote of the Committee.

4. **Bill No. 09-36**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Request** by **Joseph McComb** for the Headless Pelican, 1006 Fogarty Lane, Wando, **TMS #263-00-03-080** (0.69 acres) **from R-2, Manufactured Residential District to GC, General Commercial District**. Council District No. 2.

It was moved by Committee Member Callanan and seconded by Committee Member Schurlknight to **approve** prior to **Second Reading, Bill No. 09-36**. The motion passed by unanimous voice vote of the Committee.

C. Review prior to Third Reading:

1. **Bill No. 09-26**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Tommy Boals**, 1134 Clements Ferry Road, Wando, **TMS #263-00-01-013** (31.86 acres) **from F-1, Agricultural District to PDMU, Planned Development Mixed Use District**. Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Callanan to **approve** prior to **Third Reading, Bill No. 09-26**. The motion passed by unanimous voice vote of the Committee.

2. **Bill No. 09-27**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bob Glover** for Maggie Sass, 1055 Old Back River Road, Goose Creek, portion of **TMS #252-03-08-015** (0.77 acres) **from R-1, Single Family Residential District to RNC, Rural and Neighborhood Commercial**. Council District No. 3.

It was moved by Committee Member Schurlknight and seconded by Committee Member Callanan to **approve** prior to **Third Reading, Bill No. 09-27**. The motion passed by unanimous voice vote of the Committee.

3. **Bill No. 09-28**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Larry Windham**, located at intersection of Hoover and United Drive, Huger, **TMS #250-00-00-008** (7.0 acres) **from R-2, Manufactured Residential District to F-1, Agricultural District**. Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 09-28**. The motion passed by unanimous voice vote of the Committee.

4. **Bill No. 09-29**, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **Bernard and Patricia Casey**, 4812 N. Highway 52, St. Stephen, **TMS #016-00-04-039** (2.09 acres) **from GC, General Commercial District to RNC, Rural & Neighborhood Commercial District**. Council District No. 7.

It was moved by Committee Member Pinckney and seconded by Committee Member S. Davis to **approve** prior to **Third Reading, Bill No. 09-29**. The motion passed by unanimous voice vote of the Committee.

5. Bill No. 09-31, an **ordinance** to modify the official Zoning and Development Standards Map of Berkeley County, South Carolina, Re: **E. J. Meadows, Jr.**, 1349 North Highway 52, **TMS #103-15-01-002**, (.73 acres) **from F-1, Agriculture District to PD-MU, Planned Development Mixed Use District**. Council District No. 8.

It was moved by Committee Member S. Davis and seconded by Committee Member Schurlknight to **approve** prior to **Third Reading, Bill No. 09-31**. The motion passed by unanimous voice vote of the Committee.

It was moved by Committee Member Schurlknight and seconded by Committee Member C. Davis to **adjourn** the Committee on Land Use meeting. The motion passed by unanimous voice vote of the Committee.

The meeting ended at 6:20 pm.

September 14, 2009
Date Approved

COMMITTEE ON LAND USE
(Standing Committee of Berkeley County Council)

Chairman: Mr. Phillip Farley, District No. 1

Members: Mr. Timothy J. Callanan, District No. 2
Mr. Robert O. Call, Jr., District No. 3
Mrs. Cathy S. Davis, District No. 4
Mr. Dennis Fish, District No. 5
Mr. Jack H. Schurlknight, District No. 6
Mr. Caldwell Pinckney, Jr., District No. 7
Mr. Steve C. Davis, District No. 8
Mr. Daniel W. Davis, Supervisor, ex officio

A **meeting** of the **COMMITTEE ON LAND USE**, Standing Committee of Berkeley County Council, will be held on **Monday August 10, 2009**, following the meetings of the Committees on Community Services and Justice and Public Safety at **6:00 p.m.**, in the Assembly Room, Berkeley County Administration Building, 1003 Highway 52, Moncks Corner, South Carolina.

AGENDA

APPROVAL OF MINUTES

July 13, 2009

A. Consideration prior to First Reading of the following:

- 1. Request by David and Joanne Wenger, 101 Tall Pines Road, Ladson, TMS #242-03-03-002 (0.52+/- acres), from R1, Single Family Residential District to OI, Office and Institutional District. Council District No. 8.**
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August 5, 2009
S/Barbara B. Austin, CCC
Clerk of County Council